

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Develop a Successor to Existing Net Energy Metering Tariffs Pursuant to Public Utilities Code Section 2827.1, and to Address Other Issues Related to Net Energy Metering.

Rulemaking 14-07-002  
(Filed July 10, 2014)

**DECISION GRANTING COMPENSATION TO CALIFORNIA ENVIRONMENTAL JUSTICE ALLIANCE FOR CONTRIBUTION TO DECISION 16-01-044**

<b>Intervenor: California Environmental Justice Alliance</b>	<b>For contribution to Decision 16-01-044</b>
<b>Claimed: \$8,036.05<sup>1</sup></b>	<b>Awarded: \$7,808.36</b>
<b>Assigned Commissioner: Michael Picker</b>	<b>Assigned ALJ: Anne E. Simon</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	Decision (D.) 16-01-044 (D.16-01-044 or “Decision”) implements some provisions of AB 327, which requires the California Public Utilities Commission (Commission) to develop a successor tariff or standard contract for the net energy metering (NEM) program. In addition, the Decision discusses the Commission’s obligation to develop alternatives to the NEM successor tariff for disadvantaged communities. The Decision defers most decisions on alternatives for disadvantaged communities to a second phase of this proceeding and establishes a general framework for Phase II consideration of proposals for disadvantaged communities and treatment of AB 693.
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<sup>1</sup> Original claim was for \$55,051.41. Due to lack of resolution of certain issues, some hours were denied without prejudice. CEJA may seek compensation for these hours following the resolution of those issues.

**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

	Intervenor	CPUC Verified
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference (PHC):	10/30/14	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	11/25/14	Verified
4. Was the NOI timely filed?		Yes
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	A.14-11-016	Verified
6. Date of ALJ ruling:	March 24, 2015	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	A.14-11-016	Verified
10. Date of ALJ ruling:	March 24, 2015	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.16-01-044	
14. Date of issuance of Final Order or Decision:	January 28, 2016	February 05, 2016
15. File date of compensation request:	March 25, 2016	Verified
16. Was the request for compensation timely?		Yes

**C. Additional Comments on Part I:**

#	Intervenor’s Comment(s)	CPUC Discussion
1	The California Environmental Justice Alliance (“CEJA”) is an alliance of grassroots environmental justice organizations that are situated throughout the state of California. CEJA’s organizations represent utility customers throughout California that are concerned about their health and the environment.	

	<p>CEJA is an unincorporated organization that is fiscally sponsored by the Environmental Health Coalition. All of the members of CEJA are non-profit public interest entities. Together, the member organizations of CEJA are working to achieve environmental justice for low-income communities and communities of color throughout the state of California. In particular, CEJA is advocating for policies at the federal, state, regional and local levels that protect public health and the environment. CEJA is also working to ensure that California enacts statewide climate change policies that protect low-income communities and communities of color.</p>	
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## PART II: SUBSTANTIAL CONTRIBUTION

### A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p><u>1. Consideration of Disadvantaged Communities in the scope of the proceeding</u></p> <p>CEJA urged the Commission to robustly consider its obligation to develop alternatives for disadvantaged communities, including thoughtfully defining “disadvantaged communities”, separately evaluating metrics for disadvantaged communities, and developing targeted programs for disadvantaged communities. CEJA also requested the Commission to conduct a workshop for disadvantaged communities to focus on the definition of “disadvantaged communities” and developing programs for disadvantaged communities.</p>	<p><i>Compare</i> Order Instituting Rulemaking OIR/Preliminary Scoping Memo (“OIR”), pp. 7-13 (July 10, 2014) (reciting 2827.1, but absent of any discussion of disadvantaged communities for the proposed scope and schedule of R.14-07-002) <i>with</i> Scoping Memo, pp. 3, 9 (Jan. 23, 2015) (explicitly including alternatives for disadvantaged communities and setting a workshop for alternatives for disadvantaged communities, if needed); <i>see id.</i> at pp. 2-3 (“Drawing on the preliminary scoping memo in the OIR, the comments of the parties on the OIR, the parties PHC statements, and the discussion at the PHC, I determine that the scope of issues for this proceeding is as follows.”).</p> <p><i>See generally</i> ALJ Ruling Seeking Comment on Policy Issues Associated with Development of NEM Successor Standard Contract or Tariff (Feb. 23, 2015) (posing questions related to alternatives for disadvantaged communities including the definition of disadvantaged communities and growth, barriers to adoption, and application of the AB 327’s statutory criteria).</p>	<p>In D.16-01-044, the Commission decided that the issue of development of alternatives for disadvantaged communities would be undertaken in the next phase of the proceeding. Compensation for hours spent addressing the issue of alternatives for disadvantaged communities will be addressed following the</p>

<p>The Commission dedicated significant attention to defining “disadvantaged communities” and developing disadvantaged communities programs in the scope of this proceeding. Additionally, Energy Division conducted a workshop to discuss defining disadvantaged communities and developing proposals for disadvantaged communities programs.</p>	<p><i>See generally</i> ALJ Ruling Seeking Party Proposals for the Successor Tariff or Contract (June 4, 2015) (seeking party proposals for disadvantaged communities).</p> <p>ALJ Ruling Setting Workshop on Defining and Developing Alternative Proposals for Disadvantaged Communities, pp. 1-2 (Mar. 13, 2015) (requiring Energy Division to hold a public workshop to discuss defining alternatives for disadvantaged communities and developing proposals for such alternatives).</p> <p>CEJA Reply Comments on the OIR, p. 3 (Aug. 26, 2014) (urging robust consideration of alternatives for disadvantaged communities, and consideration of these alternatives separate from the NEM successor tariff).</p> <p>CEJA/Sierra Club PHC Statement, pp. 2-4 (Oct. 27, 2014) (requesting an additional comment period to address how alternatives for disadvantaged communities will be evaluated and a workshop on alternatives for disadvantaged communities, proposing specific ideas and timeframes for the workshop).</p> <p>Prehearing Conference Transcript, pp. 17, 24-25 (Oct. 30, 2014) (CEJA representative reiterated CEJA’s request for a workshop on disadvantaged communities and proposed including a discussion of CalEnviroScreen by an Office of Environmental Health Hazard Assessment representative at the workshop).</p>	<p>resolution of that issue.</p> <p>Because CEJA’s claim was otherwise appropriately filed, we deny these hours without prejudice and invite CEJA to claim compensation for them following the resolution of this issue.</p>
<p><u>2. Definition of, and Development of Alternatives for, Disadvantaged communities</u></p> <p>CEJA contributed to approaches for defining “disadvantaged communities” and creating programs for disadvantaged communities by drafting a proposed agenda for the Disadvantaged Communities workshop and recruiting presenters from California Environmental Protection Agency (“CalEPA”), Office of</p>	<p>ALJ Ruling Setting Workshop on Defining and Developing Alternative Proposals for Disadvantaged Communities, pp. 1-2 (Mar. 13, 2015) (scheduling a workshop to discuss defining “disadvantaged communities” and developing program proposals for disadvantaged communities).</p> <p><i>See</i> Agenda for Disadvantaged Communities Workshop (including two CEJA presenters and presenters from Public Advocates and CalEPA that CEJA helped recruit for the workshop), <i>available at</i> <a href="http://www.cpuc.ca.gov/General.aspx?id=3934">http://www.cpuc.ca.gov/General.aspx?id=3934</a> (also attached in Attachment 5).</p> <p><i>See</i> Attachment 5, Email to Energy Division Staff, Shannon O’Rourke and Ehren Seybert, including</p>	<p>In D.16-01-044, the Commission decided that the issue of development of alternatives for disadvantaged communities would be undertaken in the next phase of the proceeding. Compensation for hours spent addressing the</p>

<p>Environmental Health Hazard Assessment “(OEHHA)”, and Public Advocates, Inc. In addition, at the workshop CEJA’s Strela Cervas and Robert Freehling presented on barriers to adoption of renewable distributed generation in disadvantaged communities and CEJA’s proposal for disadvantaged communities.</p> <p>See Comment 1 in Part C “Additional Comments on Part II”, below.</p>	<p>proposed agenda for the Disadvantaged Communities Workshop.</p> <p>Strela Cervas (CEJA expert/advocate) and Carmelita Miller (Greenlining), Barriers to Adoption Unique to Disadvantaged Communities, presentation to the CPUC at the April 7, 2015 Disadvantaged Communities Workshop in R.14-07-002 (Apr. 7, 2015), <i>available at</i> <a href="http://www.cpuc.ca.gov/General.aspx?id=3934">http://www.cpuc.ca.gov/General.aspx?id=3934</a> (also attached in Attachment 5).</p> <p>Robert Freehling (CEJA expert), NEM Successor Program for Residential Customers in Disadvantaged Communities, presentation to the CPUC at the April 7, 2015 Disadvantaged Communities Workshop in R.14-07-002 (Apr. 7, 2015), <i>available at</i> <a href="http://www.cpuc.ca.gov/General.aspx?id=3934">http://www.cpuc.ca.gov/General.aspx?id=3934</a> (also attached in Attachment 5).</p>	<p>issue of alternatives for disadvantaged communities will be addressed following the resolution of that issue.</p> <p>Because CEJA’s claim was otherwise appropriately filed, we deny these hours without prejudice and invite CEJA to claim compensation for them following the resolution of this issue.</p>
<p><u>3. Consideration of all AB 327 proposals for disadvantaged communities in Phase II and treatment and evaluation of AB 693</u></p> <p>CEJA’s comments on the Proposed Decision (“PD”) advocated for a modification of the PD to require consideration of all party proposals for disadvantaged communities during Phase II.</p> <p>The Commission modified the PD from only considering an expanded VNEM program and AB 693 in Phase II to allowing for consideration of all party proposals for disadvantaged communities in Phase II.</p> <p>In addition, CEJA worked to ensure that AB 693 received separate attention by the Commission and was afforded its own record</p>	<p><i>Compare</i> Proposed Decision (“PD”) in R.14-07-002, pp. 106-09, 111, Finding of Fact #39 at p. 118, Conclusion of Law #18 &amp; #19 at p. 122 (Dec. 15, 2015) (advancing only an expanded VNM proposal to Phase II and rejecting all other party proposals for disadvantaged communities) <i>with</i> D.16-01-044, p. 103 (“All information provided and proposals and comments already filed in this proceeding on alternatives for disadvantaged communities will be available to be considered in the next phase of this proceeding ....”).</p> <p>See D.16-01-044, Conclusions of Law #26 at p. 118 (considering all issues in Phase I to allow for full and fair consideration of issues related to disadvantaged communities in Phase II).</p> <p>See also D.16-01-044, Findings of Fact #51 at p. 113 (“It is reasonable to consider all aspects of the development of alternatives for the growth of renewable DG among residential customers in disadvantaged communities in a second phase of this proceeding.”).</p> <p>CEJA Opening Comments on the Proposed Decision, pp. 8-9, 13 (Jan. 7, 2016) (urging the Commission to consider all party proposals for disadvantaged communities in Phase II, and</p>	<p>In D.16-01-044, the Commission decided that the issue of development of alternatives for disadvantaged communities would be undertaken in the next phase of the proceeding. Compensation for hours spent addressing the issue of alternatives for disadvantaged communities will be addressed following the resolution of that issue.</p>

<p>development. CEJA provided detailed statutory analysis of AB 693 and evaluated the impacts of its passage on AB 327 proposals for disadvantaged communities. CEJA also explained that the PD erroneously decided implementation issues for AB 693 regarding eligibility requirements.</p> <p>The Commission acknowledged AB 693's impact on AB 327 and eliminated the PD's conclusions pertaining to AB 693 implementation issues. The Commission deferred AB 693 implementation issues to Phase II.</p> <p>CEJA also submitted a motion to the Commission for an extension of time to file comments on the ALJ's Ruling Seeking Comment on AB 693. CEJA explained that there was another competing deadline in the NEM proceeding and that parties should be afforded adequate time to address the complex and important issues raised in the ALJ's AB 693 Ruling.</p> <p>The ALJ granted CEJA's motion in part and parties were granted additional time for filing opening and reply comments on AB 693.</p>	<p>explaining why this is important to ensure the minimum obligations of AB 327 are met).</p> <p>CEJA Reply Comments on the Proposed Decision, pp. 3-5 (Jan. 15, 2016) (reiterating that the Commission should consider all proposals for disadvantaged communities in Phase II, and providing further explanation for this recommendation).</p> <p><i>Compare</i> PD, pp. 102, 109-11 (seemingly constraining AB 693's broad eligibility requirements to only CalEnviroScreen disadvantaged communities) <i>with</i> D.16-01-044, p. 102 (eliminating the PD's conclusions regarding AB 693 eligibility and instead deferring this issue to Phase II).</p> <p><i>See</i> D.16-01-044, p. 102 ("The enactment of AB 693 ... has affected the Commission's approach to completing the work on alternatives for disadvantaged communities. Having considered the parties' necessarily brief comments on AB 693, their comments on the PD, and their underlying proposals for alternatives for disadvantaged communities, we are persuaded that the entire effort of designing and implementing alternatives for disadvantaged communities should be undertaken in a second phase of this proceeding.").</p> <p><i>See generally</i> CEJA Opening Comments on the ALJ's Ruling Seeking Comment on AB 693 (Nov. 2, 2015) (analyzing AB 693 statutory language and explaining AB 693's impact on the disadvantaged communities portion of AB 327).</p> <p><i>See generally</i> CEJA Reply Comments on the ALJ's Ruling Seeking Comment on AB 693 (Nov. 9, 2015) (demonstrating wide consensus of the parties to CEJA's positions in its opening comments on AB 693, and explaining why PG&amp;E's and TURN's analyses regarding AB 693 were flawed).</p> <p>CEJA Opening Comments on the Proposed Decision, pp. 9-13 (highlighting the reasons why the PD erred in deciding implementation issues for AB 693 based on the AB 327 record).</p> <p>Email Ruling Granting Request for Extension of Time to File Comments (Oct. 28, 2015).</p> <p>CEJA Motion to Request an Extension of Time to File Opening and Reply Comments on the ALJ's</p>	<p>Because CEJA's claim was otherwise appropriately filed, we deny these hours without prejudice and invite CEJA to claim compensation for them following the resolution of this issue.</p>
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	Ruling Seeking Comment on AB 693 (Oct. 26, 2015).	
<p>4. <u>Approved Equipment List</u></p> <p>CEJA encouraged the Commission to utilize an approved equipment list as part of the NEM successor tariff, continuing the practice under the California Solar Initiative (“CSI”).</p> <p>The Commission required an approved equipment list for the NEM successor.</p>	<p>D.16-01-044, pp. 42-43, 82, 101; <i>see id.</i> at p. 42 (citing CEJA as proposing an approved equipment list for the NEM successor, continuing the practice under CSI).</p> <p>D.16-01-044, Conclusions of Law # 27 at p. 118 (requiring a verified equipment list).</p> <p>CEJA Opening Comments on the ALJ’s Ruling Seeking Comment on Policy Issues Associated with Development of NEM Successor Standard Contract or Tariff, p. 35 (Mar. 16, 2015) (recommending that the Commission maintain an approved equipment list).</p> <p>CEJA Reply Comments on the ALJ’s Ruling Seeking Comment on Policy Issues Associated with Development of NEM Successor Standard Contract or Tariff, pp. 18-19 (Mar. 30, 2015) (responding to parties’ comments that disagreed with a warranty requirement, and explaining why warranty requirements are important).</p>	Verified
<p>5. <u>Warranty requirement</u></p> <p>CEJA recommended that the Commission adopt a 10-year warranty requirement under the NEM successor tariff, like the requirement used for CSI.</p> <p>The Commission required a 10-year warranty or service agreement for the NEM successor.</p>	<p>D.16-01-044, pp. 43, 82, 83; <i>see id.</i> at p. 82 (citing CEJA as proposing warranties for the NEM successor).</p> <p>D.16-01-044, Conclusions of Law # 28 at p. 118 (requiring a 10-year warranty on all equipment and installations).</p> <p>CEJA Opening Comments on the ALJ’s Ruling Seeking Comment on Policy Issues Associated with Development of NEM Successor Standard Contract or Tariff, p. 35 (Mar. 16, 2015) (recommending that the Commission maintain an approved equipment list with a 10-year warranty).</p> <p>CEJA Reply Comments on the ALJ’s Ruling Seeking Comment on Policy Issues Associated with Development of NEM Successor Standard Contract or Tariff, pp. 18-19 (Mar. 30, 2015) (responding to parties’ comments that disagreed with a warranty requirement, and explaining why warranty requirements are important).</p>	Verified
<p>6. <u>Duration of service under NEM successor tariff</u></p> <p>CEJA urged the Commission to adopt a 20-year contract because the Draft Public</p>	<p>D.16-01-044, pp. 100-01.</p> <p>D.16-01-044, Conclusions of Law # 14 at p. 115 (identifying 20 years as the period of time for the NEM successor tariff).</p> <p>CEJA Comments on the ALJ’s Ruling Seeking</p>	Verified

<p>Tool’s proposed 25-year duration did not align with the commonly used 20-year payback period for solar systems and was inconsistent with the Commission’s previous decision in D.14-03-041, which adopted a 20-year contract period.</p> <p>The Commission adopted a 20-year service period, explaining the reasonableness of this payback period and citing its decision in D.14-03-041.</p>	<p>Comment on Draft Version of Public Tool, p. 9 (Apr. 28, 2015).</p>	
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?</b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Verified
<p><b>c. If so, provide name of other parties:</b>            For the issues 1 and 2 claimed in this intervenor compensation request, Greenlining Institute (“Greenlining”), Interstate Renewable Energy Council (“IREC”), and Sierra Club were the other intervenors that occasionally took similar positions as CEJA. Regarding issues 4 and 5, several parties took similar positions as CEJA including NRG Energy, Inc., California Municipal Utilities Association, Joint Solar Parties, ORA, PG&amp;E, SCE, SDG&amp;E. Other parties including, California Housing Partnership and Brightline Defense raised concerns similar to those raised by CEJA related to one aspect of issue 3, implementation decisions for AB 693. To CEJA’s best knowledge, it does not believe that any party took positions similar to CEJA regarding consideration of all AB 327 proposals in Phase II (Issue 3) or issue 6.</p>		Verified
<p><b>d. Intervenor’s claim of non-duplication:</b>            For the Phase I issues identified above, CEJA either did not duplicate other parties’ contributions, or materially supplemented, complemented, or contributed to the recommendations of other parties. Related to the scope of the proceeding and Disadvantaged Communities workshop, CEJA was the first party to significantly shape the scope of the proceeding as it related to “disadvantaged communities” and was the only party, initially, that claimed to represent disadvantaged communities or have expertise in defining these communities. (See CEJA Reply Comments on OIR). As the proceeding progressed, CEJA coordinated with Sierra Club, Greenlining, IREC and Energy Division Staff on a few occasions to avoid duplication in developing the scope of the proceeding, conducting the Disadvantaged Communities Workshop, and addressing policy issues related to specific alternatives for disadvantaged communities. For example, CEJA and Sierra Club submitted a joint</p>		Verified



prehearing conference statement requesting a comment period to address programs for disadvantaged communities and a workshop focused on the definition of, and development of programs for, disadvantaged communities. (See CEJA and Sierra Club Joint PHC Statement). In addition, CEJA coordinated with the Energy Division Staff to conduct the requested workshop on disadvantaged communities (see Attachment 5), and collaborated with Greenlining to create a presentation on barriers at the officially noticed Disadvantaged Communities Workshop in April 2015. (See Attachment 5). CEJA also worked with IREC to help develop its CleanCARE proposal and helped coordinate its presentation of CleanCARE at the Disadvantaged Communities Workshop. Thus, CEJA believes that it avoided duplication with other intervenors by taking unique positions, coordinating with other intervenors, and filing jointly.

CEJA's next claim of intervenor compensation is in relationship to the Decision's finding that Phase II would further evaluate all proposals for disadvantaged communities and evaluation of some AB 693 implementation issues. These decisions were a change from the PD's determination that only expanded VNM and AB 693 would be taken up in Phase II and determinations about AB 693's eligibility requirements. During the PD comment period, CEJA was the only party to advocate that all proposals should be considered in Phase II. Thus, CEJA believes its position was not duplicative of other parties' opening and reply comments on the PD. In addition, CEJA offered thorough statutory analysis of AB 693 and reasoning that supplemented other parties' reasoning for separate and distinct treatment of AB 693. CEJA therefore believes its contribution to the AB 693 issues were supplemental and complementary to other parties' contributions.

Although several other parties recommended using an approved equipment list and warranty for the NEM successor, CEJA's contribution materially supplemented and complemented these recommendations because it discussed these issues in terms of both the successor NEM tariff and the importance of these consumer protections for disadvantaged communities. CEJA believes that this perspective highlighted the need for comprehensive protections for all residential customers that may take under the NEM tariff.

Lastly, to CEJA's best knowledge, CEJA was the only party to recommend that the draft Public Tool utilize a 20-year duration of service instead of the proposed 25 years. CEJA explained that 20 years was not only consistent with the expected lifetime of solar PV systems, it was also consistent with the Commission's recent decision in D.14-03-041. The final Decision relied on D.14-03-041 to inform its decision to adopt a 20-year duration of service under the NEM successor tariff.

Due to the extensive efforts made to both complement and supplement the work of the aforementioned parties and to avoid duplication, CEJA believes it was able to offer its own unique perspective on the select Phase I issues it seeks in this intervenor compensation request.

### C. Additional Comments on Part II:

#	Intervenor's Comment	CPUC Discussion
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1	<p>Although not part of the official record, CEJA's work in helping develop the Disadvantaged Communities Workshop agenda, recruiting presenters, and preparing and giving two presentations, was part of an officially noticed workshop. This workshop provided important information to parties and the Commission about CalEnviroScreen, barriers to adoption of renewable DG in disadvantaged communities, and potential proposals for programs for disadvantaged communities. CEJA therefore believes this workshop was important for shaping the scope of the proceeding, development of the record, and informing parties' comments and proposals. Thus, CEJA believes it is entitled to seek compensation for its time investments in this workshop pursuant to Public Utilities Code § 1802(i). These time investments are described above in Part II(A), claim to compensation #2.</p>	
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### PART III: REASONABLENESS OF REQUESTED COMPENSATION

#### A. General Claim of Reasonableness (§ 1801 and § 1806):

<p><b>a. Intervenor's claim of cost reasonableness:</b></p> <p>CEJA is seeking \$603.52 in costs. These costs include \$31.16 in postage fees for mailing filings to the CPUC, \$193.50 for copies necessary to send hard copies of filings to the CPUC, and \$378.86 in travel expenses to fly Strela Cervas (CEJA advocate/expert) from Los Angeles to San Francisco and lodge her for one night related to her attendance and presentation at the Disadvantaged Communities Workshop that was held in April 2015 under the auspices of the Commission. CEJA believes that the postage and copy costs represent standard and anticipated costs incurred by parties involved in a CPUC proceeding. CEJA also finds that Strela Cervas' travel costs are reasonable because they are modest and because Strela's presentation significantly contributed to the Disadvantaged Communities Workshop.</p>	<p><b>CPUC Discussion</b></p> <p>Verified</p>
<p><b>b. Reasonableness of hours claimed:</b></p> <p>CEJA and the Environmental Law and Justice Clinic ("ELJC") participated in all major aspects of the proceeding, including filing multiple comments, developing a proposal for disadvantaged communities, and shaping the scope of the proceeding</p>	<p>Verified</p>

with comments and a workshop for disadvantaged communities. CEJA also participated in workshops and hearings. CEJA's total filings are reflected in hundreds of pages of detailed substantive analysis.

CEJA and ELJC were conscious of using staff with the appropriate amount of work experience for the tasks they performed. In addition, the hours claimed do not include time spent on issues ultimately not addressed in the decision and time spent mentoring or assisting students. CEJA narrowly defined the Phase I issues that it seeks to claim compensation for and kept detailed track of its time so that these issues can be more discretely identified in its efforts to seek reasonable compensation for those issues. The rates requested for these tasks are at the low end of the ranges authorized by the CPUC for attorneys, experts, advocates and law students.

Until her leave in June 2015, Deborah Behles, an experienced attorney and CPUC practitioner, took on the lead role in Phase I of this proceeding. She coordinated with co-counsel, Shana Lazerow, to assure that internal duplication was avoided. All duplication is avoided in their timesheets. After Ms. Behles went on leave, Ms. Lazerow, another experienced attorney and CPUC practitioner, assumed the role of lead attorney. When possible junior attorneys took a lead role for CEJA. For example, Tovah Trimming took a lead role researching and writing comments on the PD. The comments CEJA submitted in this proceeding included a significant amount of legal, policy, and technical research on the many topics raised by the Commission's rulings, workshops, and decisions. When no junior attorney was available, or when deadlines would not allow for student participation, CEJA's attorneys took a lead role in drafting briefs and comments.

When possible, ELJC law students took a lead role in preparing particular sections of comments and in drafting the NOI to claim intervenor compensation. Due to the transition from fall to spring semester, Tovah Trimming, a junior attorney, took the lead role in preparing the intervenor compensation claim request. The work of student clinicians and junior attorneys,, both at a significantly lower rate than senior attorneys, saved senior attorney time, and significantly contributed to CEJA's filings.

CEJA and ELJC are not requesting hours that they found to be duplicative or excessive, and they performed a thorough and detailed review of hours to ensure there is no unnecessary duplication or excessiveness. Notably, unlike CEJA's usual deletion of duplicative hours, CEJA claims compensation for three CEJA attendees at the Disadvantaged Communities Workshop that was held in April 2015 under the auspices of the Commission: Deborah Behles, Strela Cervas, and Robert Freehling. CEJA believes that seeking hours for each participant is justified since attendance involved the lead attorney (Deborah Behles), expert/advocate (Strela Cervas), and expert (Robert Freehling). Each participant contributed in a unique way; Strela Cervas and Robert Freehling presented while Deborah Behles advocated as CEJA's attorney by gathering information- and asking important questions about parties' presentations.

CEJA also eliminated almost all hours used for internal collaboration. For example, CEJA is not requesting time for student participation in multiple

meetings or hearings. In addition, the hours claimed do not include time spent assisting students or completing tasks that were clerical in nature.	
<p><b>c. Allocation of hours by issue:</b></p> <p>CEJA divided its work into seven different and distinct issues based on issues that were developed in Phase I and issues addressed in the final Decision: (1) scope of the proceeding; (2) definition of, and development of alternatives for, disadvantaged communities; (3) consideration of all proposals for disadvantaged communities in Phase II and treatment and evaluation of AB 693; (4) approved equipment list; (5) warranty requirements; (6) duration of service under the NEM successor tariff; and (7) general work performed related to issues 1-6.</p> <p>The detailed breakdown for each issue is provided in the timesheets, which are attached to this request as Attachment 3. The summary of the detailed breakdown is provided below.</p> <p>Issue 1: 18.75%  Issue 2: 10.86%  Issue 3: 58.11%  Issue 4: 0.59%  Issue 5: 0.24%  Issue 6: 1.18%  Issue 7: 10.24%</p> <p>As the breakdown demonstrates, CEJA spent the vast majority of its time working on the substantive issues identified in this intervenor compensation claim, and some on procedural issues. It only spent around 10% of its total time on hearings, meetings, coordination, and general work related to those substantive or procedural issues.</p>	Verified

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Attorney - Deborah Behles	2014	5.2 <sup>[A]</sup>	340.00	Resolution ALJ-287, Table 1; D.15-06-020; Comment 1.	5,202.00	5.2 <sup>[A]</sup>	\$340.00	\$1,768.00
Deborah Behles	2015	3.4 <sup>[A]</sup>	340.00	Resolution ALJ-308, Table 2; D. D.15-06-020; Comment 1	4,862.00	3.4 <sup>[A]</sup>	\$340.00	\$1,156.00
Attorney - Shana Lazerow	2015	0 <sup>[A]</sup>	345.00	Resolution ALJ-308, Table 2; D.15-10-042; Comment 2.	3,657.00	0 <sup>[A]</sup>	\$0.00	\$0.00
Shana	2016	0 <sup>[A]</sup>	345.00	Resolution ALJ-	2,794.50	0 <sup>[A]</sup>	\$0.00	\$0.00

Lazerow				308, Table 2; D.15-10-042; Comment 2.				
Attorney - Roger Lin	2015	3.5 <sup>[A]</sup>	300.00	Resolution ALJ- 303, Table 1; D.15-10-011; Comment 3.	1,380.00	3.5 <sup>[A]</sup>	\$300.00	\$1,050
Attorney - Nina Robertson	2015	0 <sup>[A]</sup>	300.00	Resolution ALJ- 308, Table 2; Comment 4; Attachment 2.	1,710	0 <sup>[A]</sup>	\$0.00	\$0.00
Nina Robertson	2016	0 <sup>[A]</sup>	300.00	Resolution ALJ- 308, Table 2; Comment 4; Attachment 2	3,225	0 <sup>[A]</sup>	\$0.00	\$0.00
Attorney - Tovah Trimming	2015	3.1 <sup>[A]</sup>	165.00	Resolution ALJ- 308, Table 2; Comment 5; Attachment 2	10,543.50	3.1	\$165.00 <sup>[C]</sup> <sub>j</sub>	\$511.50
Tovah Trimming	2016	3.5 <sup>[A]</sup>	165.00	Resolution ALJ- 308, Table 2; Comment 5; Attachment 2.	2,953.50	3.5	\$165.00	\$577.50
Advocate/ Expert - Strela Cervas	2015	0	170.00	Resolution ALJ- 308, Table 2; Comment 6; Attachment 2.	1,258	0	\$0.00	\$0.00
Expert - Robert Freehling	2015	0	190.00	Resolution ALJ- 308, Table 2; D.15-10-017; Comment 7.	2,945	0	\$0.00	\$0.00
Subtotal: \$5,063.00 <sup>2</sup>						Subtotal: \$5,063.00		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Clinical Law Students	2014	0 <sup>[A]</sup>	100.00	D.11-03-025; D.04-04-12; Comment 8.	4,375	0 <sup>[A]</sup>	\$0.00	\$0.00
Clinical Law Students	2015	0 <sup>[A]</sup>	100.00	D.11-03-025; D.04-04-12; Comment 8.	6,930	0 <sup>[A]</sup>	\$0.00	\$0.00
Subtotal: \$0.00 <sup>3</sup>						Subtotal: \$0.00		

<sup>2</sup> Original claim was for \$40,530.50.

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Tovah Trimming	2015	8.75	85.50	D.04-04-012; Comment 9.	748.12	8.75	\$82.50	\$721.87
Tovah Trimming	2016	15.55	85.50	D.04-04-012; Comment 9.	1,329.52	15.55	\$82.50	\$1,329.52
Shana Lazerow	2016	3.1	172.50	D.04-04-012; Comment 10.	534.75	3.1	\$172.50	\$534.75
Deborah Behles	2015	0.8	\$170.00			.8	\$170.00	\$136.00
Subtotal: \$2,612.39						Subtotal: \$2,675.50		
COSTS								
#	Item	Detail			Amount	Amount		
1	Postage Costs	Costs to send all CEJA filings to the CPUC. (See Attachment 4).			31.16	\$31.16		
2	Copies Costs	387 copies at \$0.50 each; necessary copies to send hard copies of filings to ALJ Simon. (See Attachment 4).			193.50	\$38.70 <sup>4</sup>		
3	Travel Costs	Flight and hotel for Strela Cervas to attend and present at the April 7, 2015 Disadvantaged Communities Workshop. Strela is based in Los Angeles, CA. (See Attachment 4).			378.86	\$0.00 <sup>[A]</sup>		
		Total:			\$603.52	\$69.86		
TOTAL REQUEST: \$8,036.05						TOTAL AWARD: \$7,808.36		
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate.</p>								
ATTORNEY INFORMATION								

<sup>3</sup> Original claim was for \$11,305.00.

<sup>4</sup> The Commission compensates intervenor copying at 10 cents per page.

Attorney	Date Admitted to CA BAR <sup>5</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Deborah Behles	218281	December 21, 2001	No
Shana Lazerow	195491	June 4, 1998	No
Roger Lin	248144	January 13, 2007	No
Nina C. Robertson	276079	May 24, 2011	No
Tovah Trimming	300163	December 9, 2014	No

**C. Attachments Documenting Specific Claim and Comments on Part III:**

Attachment or Comment #	Description/Comment
Comment 1	<p>Tovah Trimming is a Graduate Fellow at the Environmental Law and Justice Clinic. She graduated from law school at Golden Gate University School of Law in 2014, and was admitted into the California Bar in December 2014. Her resume detailing her experience is attached to this request. (<i>See</i> Attachment 2).</p> <p>Pursuant to ALJ-308, her requested rate is \$165 for 2015, which is the lowest rate for an attorney with her experience. CEJA requests the same \$165 for work done in 2016 since no new resolution for 2016 has been released at the time of this intervenor compensation award request.</p>

**D. CPUC Disallowances and Adjustments:**

Item	Reason
A	<p>As discussed above, no decision was rendered on issues related to disadvantaged communities. Therefore, CEJA's hours related to the discussion of disadvantaged communities are denied without prejudice. This results in reductions in hours in the following manner:</p> <p>Behles in 2014: 10.2 hours</p> <p>Behles in 2015: 10.1 hours</p> <p>Lazerow in 2015: 10.6 hours</p> <p>Lazerow in 2016: 8.1 hours</p> <p>Lin in 2015: 1.1 hours</p> <p>Robertson in 2015: 5.7 hours</p>

<sup>5</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

	Robertson in 2016: 10.75 hours Trimming in 2015: 60.8 hours Trimming in 2016: 14.1 hours Cervas in 2015: 7.4 hours Freehling in 2015: 15.5 hours Clinical Law Students in 2014: 43.75 hours Clinical Law Students in 2015: 69.3 hours Cervas Travel: \$378.86 CEJA is welcome to seek compensation for these hours following the resolution of issues related to disadvantaged communities.
B	Behles hours in 2015 reduced by 0.8 and re-categorized as intervenor compensation hours.
C	CEJA requests a rate of \$165.00 per hour for work completed by Trimming in 2015 and 2016. Trimming is a first year attorney. The Commission therefore finds reasonable a rate of \$165.00 for Trimming in 2015 and 2016.

#### PART IV: OPPOSITIONS AND COMMENTS

<b>A. Opposition: Did any party oppose the Claim?</b>	No
<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?</b>	Yes

#### FINDINGS OF FACT

1. CEJA has made a substantial contribution to D.16-01-044.
2. The requested hourly rates for CEJA's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$7,808.36.



**CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. California Environmental Justice Alliance shall be awarded \$7,808.36.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay CEJA their respective shares of the award, based on their California-jurisdictional electric] revenues for the 2015 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning June 08, 2016, the 75<sup>th</sup> day after the filing of CEJA's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**APPENDIX****Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D1601044		
<b>Proceeding(s):</b>	R1407002		
<b>Author:</b>	ALJ Simon		
<b>Payer(s):</b>	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
California Environmental Justice Alliance	March 25, 2016	\$8,036.05	\$7,808.36	N/A	N/A

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Deborah	Behles	Attorney	CEJA	\$340	2014	\$340
Deborah	Behles	Attorney	CEJA	\$340	2015	\$340
Roger	Lin	Attorney	CEJA	\$300	2015	\$300
Tovah	Trimming	Attorney	CEJA	\$165	2015	\$165
Tovah	Trimming	Attorney	CEJA	\$165	2016	\$165
Shana	Lazerow	Attorney	CEJA	\$345	2016	\$345

**(END OF APPENDIX)**